UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,215	09/07/2000	Robert C. Beasley	END9-2000-0104US1	1334

7590	10/21/2003

Shelley M Beckstrand, P.C.
Attorney at Law
314 Main Street
Owego, NY 13827

EXAMINER
TRAN, LAMBERT L

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/21/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

PT-1

Office Action Summary	Application No. 09/657,215	Applicant(s) BEASLEY ET AL.
	Examiner Lambert L. Tran	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 September 2000</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 September 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This Action is in response to the application filed on 07 September 2000.

Priority

2.   No claim for priority has been made in this application.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 07 September 2000 (paper #4)

has been considered by the Examiner (see attached PTO 1449).

Specification

4.   The attempt to incorporate subject matter into this application by reference to assignee

docket numbers is improper because these references do not formally identify the documents.

Proper identification of references, such as the serial numbers, is required. See MPEP § 608.01.

5.   The disclosure is objected to because it contains an embedded hyperlink and/or other

form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or

other form of browser-executable code. See MPEP § 608.01.

6.   The word *"hybird"* in the ABSTRACT and its subsequent appearances should be changed

to "hybrid".

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9.   Claim 11 recites the limitation *"The scalable system of claim, further comprising a configuration file of proxy statements for mapping user requests to said second cluster"*. It is not clear what independent claim this claim is referred to. The Examiner, hereinafter, will assume this claim depends on claim 1, which is the broadest claim.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood, U.S. Patent No 6,523,027, in view of Ciarlante et al., U.S. Patent No 6,594,819, hereinafter referred to as Ciarlante.

12.   In regard to claims 1, 12, 15, 16, Underwood disclosed an architecture and method for E-Commerce and web processing tool comprising:

a browser [see Underwood, col. 130, lines 56-67];

a plurality of first clustered servers; a plurality of second clustered servers [see Underwood,

ABSTRACT, col. 7-25];

a database server [see Underwood, col. 123, lines 58-67, col. 124, lines 1-3];

a first network dispatcher for redirecting clients to one of said first clustered servers; a second

network dispatcher responsive said first clustered servers for redirecting clients to one of said

second clustered servers [see Underwood, ABSTRACT, col. 7-25];

an application server asynchronously responsive to said second clustered servers for running

gents to process application data requests and bridge said data with respect to said database

server and other back end servers (other common services) [see Underwood, col. 125, lines 28-

34, col. 312, lines 53-65].

13.   In regard to claim 2, Underwood disclosed:

presenting a graphical user interface to the said browser and for caching data on behalf of an

end user [see Underwood, col. 132, col. 7-14, col. 121, lines 31-37].

14.   In regard to claim 3, Underwood disclosed the invention substantially as claimed.

However, Underwood did not expressly disclose *the first clustered servers being domino servers.*

In the same field of web tools and web hosting applications [see Ciarlante, ABSTRACT],

Ciarlante disclosed an application warehouse and web hosting system *implemented in domino*

servers [see Ciarlante, col. 3, lines 52-64, col. 4, lines 63-67]. An ordinary artisan in the art at the

same time the invention was made, would have been motivated to look for the best way to

identify business components [see Underwood, col. 341, lines 5-13].

15.   Accordingly, it would have been obvious to one of ordinary skill in the E-Commerce

programming art at the time the invention was made to have incorporated Underwood's

teachings of providing a less complex, faster interactions between clients and servers [see Underwood, col. 2, lines 1-4], with the teachings of Ciarlante's, for the purpose of providing an system architecture that is extremely powerful and increasingly popular [see Ciarlante, col. 1, lines 25-32, col. 4, lines 63-67].

16.   For the rationale set forth above, claim 3 is rejected.

17.   In regard to claim 4, Underwood disclosed:

web processing tool being a web requisition catalog application (grocery store, inventory management) [see Underwood, col. 343, lines 11-63].

18.   In regard to claims 5-7, the combination inventions Underwood and Ciarlante disclosed:

clustered servers being operable for performing workflow, providing security, and serving as a document repository (information services) [see Underwood, col. 124, lines 24-29, col. 332, lines 37-48, col. 119, lines 35-55];

clustered servers being domino network servers [see Ciarlante, col. 3, lines 52-64, col. 4, lines 63-67]

stored in domino .nsf files [see Ciarlante, col. 5, lines 21-32].

19.   In regard to claims 8-9, Underwood disclosed:

an external objects dynamic file for storing external objects (code table, information services) *in one place for dynamic access by said first clustered servers, and for generating said gui* [see Underwood, col. 125, lines 65-67, col. 126, lines 1-7, col. 128, lines 61-67, col. 129, lines 1-2, col. 132, lines 9-14].

database server being a relational database server (Oracle) [see Underwood, col. 129, lines 6-11, and lines 55-56].

20.   In regard to claim 10, Underwood disclosed:

an enterprise resource planning system, including an accounting application having an accounts

payable function (business components) [see Underwood, col. 332, lines 5-36].

21.   In regard to claim 11, as assumed to be dependent of claim 1, Underwood disclosed:

comprising a configuration file of proxy statements for mapping user requests to said second

cluster [see Underwood, ABSTRACT].

22.   In regard to claim 13, Underwood disclosed:

comprising the step of synchronizing all virtual servers within said second cluster [see .

Underwood, col. 127, lines 55-67, see Ciarlante, lines 1-3].

23.   In regard to claim 14, Underwood disclosed:

replicating application data to a back-end relational database server; and replicating

(duplicate) *application data to a back-end enterprise resource planning system including an*

accounting application having an accounts payable function [see Underwood, col. 332, lines 5-

36, see Ciarlante, col. 8, lines 1-5].

24.   Since all the claims limitations are taught by the combination inventions of Underwood

and Ciarlante, claims 1-16 are rejected.

25.   Claims 1-2, 4-5, 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bowman-Amuah, U.S. Patent No 6,578,068, in view of Munguia et al., U.S. Patent No

6,381,644, hereinafter referred to as Munguia.

26.   In regard to claims 1, 12, 15, 16, Bowman-Amuah disclosed a system and method for

optimizing usage of resources in an E-Commerce environment comprising:

a browser [see Bowman-Amuah, col. 39, lines 40-52];

a database server [see Bowman-Amuah, col. 49, lines 22-65];

an application server asynchronously responsive to said second clustered servers for running

gents to process application data requests and bridge said data with respect to said database

server and other back end servers [see Bowman-Amuah, col. 34, lines 45-49, col. 280, lines 45-

49, col. 303, lines 44-52]. However, Bowman-Amuah did not expressly disclose:

a plurality of first clustered servers; a plurality of second clustered servers

a first network dispatcher for redirecting clients to one of said first clustered servers; a second

network dispatcher responsive said first clustered servers for redirecting clients to one of said

second clustered servers. In the same field of network management tool [see Munguia,

ABSTRACT], Munguia disclosed:

a plurality of first clustered servers; a plurality of second clustered servers;

a first network dispatcher for redirecting clients to one of said first clustered servers; a second

network dispatcher responsive said first clustered servers for redirecting clients to one of said

second clustered servers [see Munguia, figure 2, col. 8, lines 44-62]. An ordinary artisan in the

art at the same time the invention was made, would have been motivated to look to a way to

optimize usage of resources in distributing incoming requests amongst a client and server

components [see Bowman-Amuah, col. 2, lines 18-22].

27.   Accordingly, it would have been obvious to one of ordinary skill in the software

programming art at the time the invention was made to have incorporated Bowman-Amuah's

teachings with the teachings of Spencer's, for the purpose of providing a newer, faster platform

with network management capabilities for customers through the public Internet [see Munguia, col. 4, lines 12-14].

28.   For the rationale set forth above, claims 1, 12, 15, 16 are rejected.

29.   In regard to claim 2, Bowman-Amuah disclosed:

presenting a graphical user interface to the said browser and for caching data on behalf of an end user [see Bowman-Amuah, col. 26, lines 1-4, and figure 172]

30.   In regard to claims 4-5, Bowman-Amuah disclosed:

web processing tool being a web requisition catalog application [see Bowman-Amuah, col. 56, lines 4-11].

clustered servers being operable for performing workflow, providing security, and serving as a document repository [see Bowman-Amuah, col. 53, lines 41-46, col. 119, lines 45-59].

31.   In regard to claim 9, Bowman-Amuah disclosed:

database server being a relational database server [see Bowman-Amuah, col. 49, lines 22-67, col. 50, lines 1-14].

32.   In regard to claim 10, Bowman-Amuah disclosed:

an enterprise resource planning system, including an accounting application having an accounts payable function [see Bowman-Amuah, col. 119, lines 45-59].

33.   In regard to claim 11, as assumed to be dependent of claim 1, Munguia disclosed:

comprising a configuration file of proxy statements for mapping user requests to said second cluster [see Munguia, col. 10, lines 7-13, and figure 2].

34.   In regard to claim 13, Bowman-Amuah disclosed:

comprising the step of synchronizing all virtual servers within said second cluster [see Bowman-

Amuah, col. 50, lines 32-40].

35.   In regard to claim 14, Bowman-Amuah disclosed:

replicating application data to a back-end relational database server; and replicating

application data to a back-end enterprise resource planning system including an accounting

application having an accounts payable function [see Bowman-Amuah, col. 50, lines 15-31].

36.   Since all the limitations of claims 1-2, 4-5, 9-16 are met by the combination inventions of

Bowman-Amuah and Munguia, claims 1-2, 4-5, 9-16 are rejected.

Conclusion

37.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

    a.   Devine et al., U.S. Patent No 6,631,402, disclosed integrated proxy interface for

    web based report requester tool set.

    b.   Coile et al., U.S. Patent No 6,104,717, disclosed system and method for providing

    backup machines for implementing multiple IP addresses on multiple ports.

    c.   Silva et al., U.S. Patent No 6,163,805, disclosed distributed automated testing

    system.

    d.   Moore et al., U.S. Patent No 6,330,575, disclosed web commerce tool kit for

    distributed payment processing.

e.   Bernardo et al., U.S. Patent No 6,219,680, disclosed system and method for building a web site for use in E-commerce with user specific pricing.

f.   Beams et al., U.S. Patent No 6,611,822, disclosed system method and article of manufacture for creating collaborative application sharing.

38.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lambert L. Tran whose telephone number is (703) 305-4663. The examiner can normally be reached on M-F at 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached at (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

L.L.T
Assistant Examiner
GAU 2142
October 20, 2003

MARC D. THOMPSON
ЛЛRС THOUPSoN
PRIMARY EXAMINER

Marc Thompson
Primary Examiner
(703) 308-6750